

Tribunal rules British MPs not exempt from state surveillance

Barry Mason
22 October 2015

The Investigatory Powers Tribunal (IPT) has ruled that the communications of MPs and peers in the Houses of Parliament are subject to the Regulation of Investigatory Powers Act of 2000 (RIPA) along with rest of the UK population and do not enjoy special immunity.

The October 14 decision means the UK's intelligence agencies, MI5, MI6 and the Government Communications Headquarters (GCHQ) can legally carry out covert surveillance on the postal, telephone and internet communications of parliamentarians.

Parliamentarians had thought that under the Wilson doctrine they were exempt from such surveillance. In 1966, then Labour Prime Minister Harold Wilson pledged that the phones of MPs would not be tapped by the security forces.

The security services had carried out the surveillance and bugging of Labour MPs on the basis that they may have held communist sympathies. Wilson suspected that he too had been targeted, which was confirmed in *Spycatcher*, written by former MI5 agent Peter Wright.

In December 1997, then Labour Prime Minister Tony Blair extended the protection against surveillance to include electronic communications such as emails.

The IPT was established as part of the RIPA legislation. It is supposed to be independent of government and is made up of ten experienced barristers or solicitors. It includes senior judges among its members, who are charged with ruling on complaints brought before it relating to surveillance by state security forces.

The recent judgement was in response to two complaints, one brought by Green Party MP for Brighton, Caroline Lucas and Green peer Jenny Jones and another by former Respect MP George Galloway.

All three complained of surveillance by security

services.

Lucas said that "The blanket surveillance of the communications of parliamentarians could have a deeply chilling effect on our relationship with the public. Parliamentarians must be a trusted source for whistle-blowers and those wishing to challenge the actions of the government."

The issue was considered so sensitive that in July, Home Secretary Theresa May issued a deliberately equivocal statement, stressing that whereas the Wilson Doctrine "does not absolutely exclude the use of these powers against parliamentarians... there is a certain set of rules and protocols that have to be met if there is a requirement to use any of these powers against a parliamentarian."

The judgement did not rule on whether or not they had been spied on, but states categorically that the IPT is "satisfied that the Wilson Doctrine is not enforceable in English Law."

It described the doctrine as merely "a political statement in a political context, encompassing the ambiguity that is sometimes to be found in political statements.

"The Wilson doctrine has no legal effect," it continues, "but in practice the (intelligence) agencies must comply with the draft code and with their own guidance. The regime for the interception of parliamentarians' communications is in accordance with the law."

Picking out the implications of the ruling on the *politics.co.uk* website, Jones stated, "Speaking to people—be they constituents, campaigners, experts, concerned members of the public or whistle-blowers—is central to any democratic system. So if people cannot—or are too scared to—speak to their representatives in Parliament how can any politician,

whether in House of Commons or Lords, possibly do what they are put there to do?”

It meant that parliamentarians’ “communications are not protected from interception by the ‘security services’, (which) means in effect we can all be spied on. It also means that people who want to report wrongdoing, corruption or illegality to their elected representatives, can’t be sure of protection.”

Breaches of the Wilson doctrine have been exposed before.

It was revealed in 2008 that Labour MP Sadiq Khan had been bugged by the police in 2005 when he met with Babar Ahmad, then being held on remand pending extradition to the United States accused by the US of operating a website raising funds for the Taliban.

Speaking to the press in 2008, former veteran “left” MP Tony Benn, who had by then retired from parliament, said, “The Wilson doctrine is a complete illusion...They have always intercepted MPs. The idea that MPs have been protected is not true...This has been going on for a long time. We have been living in a police state for a long time.”

Rosa Curling, a solicitor from law firm Leigh Day, which represented Lucas and Jones, stated, “Promises made by successive prime ministers about the Wilson doctrine were not worth the paper they were written on. The Wilson doctrine was put in place to reassure members of the public... This protection was, and continues to be, required so the public feel able to raise complaints about government policies and to expose wrongdoings of the government, without the government or its agencies snooping on these communications.”

Commenting on the ruling, Matthew Rice of the human rights group, Privacy International, said, “Anyone who has exchanged emails with their MP about a sensitive matter should be aware that government snoopers may have access to this personal information. From charity workers to politicians, lawyers to refugees, it is of great concern that the UK’s surveillance regime cannot function without interfering with everyone’s right to privacy, regardless of their need for professional confidentiality.”

The Tory government elected in May is intent on increasing the surveillance of the general population and intends to push through the Data Communications Bill, the so-called “Snoopers Charter”. This will

require mobile phone companies and Internet providers to keep records of people’s access to social media, texts, phone calls and internet use. A previous attempt to introduce such a bill in 2012 floundered because of objections from the Tories’ partners in the coalition government, the Liberal Democrats.

Under the Tories, the capitalist state is building up its arsenal in order to impose ever greater attacks on an increasingly hostile working class. In the process, the IPT ruling has made clear that no one is exempt from the reach of the state apparatus and that no democratic impediment to this assault will be tolerated.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact